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DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1 63)

Declaration Submitted with Initial Filing	OR	Declaration Submitted after initial Filing (surcharge (37 CFR 1.16(e))
		regulred)

Attorney Docket Number	BP 1622
First Named Inventor	Anders Hebsgaard
COMPLETE	IF KNOWN
Application Number	
Filing Date	
Group Art Unit	
Examiner Name	

As a below named invento	r, i hereby deci	are that:							
My residence, post office add	My residence, post office address, and citizenship are as stated below next to my name.								
I believe I am the original, first, and sole inventor (if only one names listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:									
DOCSIS MAC LAYER-BASED ARQ FOR FIXED WIRELESS									
the specification of which									
is attached hereto									
OR									2
was filed on (MM/DD/YYYY) as United States Application Number or PCT International Application Number and was amended on (MM/DD/YYYY) (if applicable).									
I hereby state that I have revie amendment specifically refer		tand the co	ntents of the above identified	specifi	cation, inc	cluding the	claims,	as ame	ended by any
I acknowledge the duty to dis	closenformation	which is m	aterial to patentability as defir	ned in 3	37 CFR 1.	56.			:
I hereby claim foreign priority benefits under 35 U.S.C. 119(atd) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 3659a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCST international application having a filing date before that of the application on which priority is claimed.									
Prior Foreign Application Number(s)	Count	гу	Foreign Filing Date (MM/DD/YYYY)		iority Claimed	Certi	fied Cop	y Atta NO	ched?
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the United S United State disclose info	tates of Ame es or PCT or ermation whi	International application in	sofar as the si the manner p bility as define	ubject matter or provided by the ed in 37 CFR	of each of e first pa	the claims ragraph of	of this app 35 U.S.C.	lication 112, i	application designating is not disclosed in the prior acknowledge the duty to a the filing date of the prior
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Addition	nal U.S. or P	CT International application	numbers are	listed on a supp	lemental	priority data	sheet PTO	SB/02B	attached hereto
Direct all correspondence to: Customer Number OR Correspondence address below or Bar Code Label									
Name	James A.	Harrison							
Address	Garlick, H	larrison & Markison, LL	Р						
Address	P.O. Box	670007							
City	Dallas			State	TX			Zip	75367
Country	US			Telephone		02-8100		Fax	(214) 902-8101
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	Give	n Name (first and middle	(if anyl)		<u>-</u>	Fa	mily Name	or Surr	name
		ANDERS					HEBSG	AARE)
Inventor's S	Signature:	s Helgrard			Date:	1. 00	t 20	03	
Residence		City: Frederiksberg	State/Prov:		Country	: Denmark	Citize	enship:	DANISH .
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Name of Se					A pe				nsigned inventor
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Inventor's S	Signature:				Date:				
Residence		City: Laguna Hills	State/Prov:	CA	Country	: US	Citize	nship:	US
Post Office	e Address	26962 Willow Tree Lar	ne						
Post Office	e Address								
City		Laguna Hills	State/Prov:	CA	Zip: 926	53	Country	US	

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BP 1622

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ASSIGNMENT

WHEREAS, the undersigned inventors, hereinafter called the "Assignors", have invented a new and useful invention entitled:

DOCSIS MAC LAYER-BASED ARQ FOR FIXED WIRELESS

for which reference a full description is here made in an application for Letters Patent of the United States filed herewith.

WHEREAS, Broadcom Corporation, a USA company having a principal office and place of business at, 16215 Alton Parkway Irvine California 92618-7013 hereinafter called the "Assignee", is desirous of acquiring the entire right, title and interest in and to said invention, the application above identified, and in, to and under Letters Patent which may be obtained for said invention, as hereinafter more fully set forth;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that for valuable legally sufficient consideration, the receipt of which by the Assignors from the Assignee is hereby acknowledged, the Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the Assignee, its successors and assigns, the entire right, title and interest in and to the invention and the application herein above identified, and all Letters Patents that may issue for the said invention, and all division, reissues, substitutions, continuations, and extensions thereof, to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns to the full end of the term for which any and all of said Letters Patents for the said invention may issue.

FURTHER, be it known that the Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the Assignee, its successors and assigns, the entire foreign rights to the invention disclosed in said application, in all countries of the world, including the right to file applications and obtain patents under the terms of the International Convention, and further agrees to execute any and all patent applications, assignments, affidavits, and any other papers in connection therewith necessary to perfect such patent rights.

And the Assignors do hereby covenant and agree, for themselves and their legal representatives, that they will assist the Assignee in the prosecution of the application herein identified; in the making and prosecution of any other applications for Letters Patent that the Assignee may elect to make covering the invention herein identified, as herein before set forth, including any application for reissue, application for reexamination, application for foreign patent rights, or any proceeding in the United States Patent and Trademark Office affecting the invention, investing in the Assignee exclusive title in and to all such other applications and Letters Patent; and in the prosecution of any interference which may arise involving said invention, or any application or Letters Patents herein contemplated; that they will promptly execute and deliver to the Assignee any and all additional

papers and make all lawful oaths which may be requested by the Assignee to fully carry out the terms of this assignment; and further that they will communicate to Assignee, or to its successors, assigns, and legal representatives, and facts known respecting said invention, and at the expense of the Assignee, testify in any legal proceedings, and generally do everything possible to aid the Assignee, its successors, assigns and nominees to obtain and enforce proper patent protection for said invention in all countries.

And the Commissioner of Patents and Trademarks is hereby authorized and requested to issue all Letters Patent to the Assignee in accordance with the terms of the assignment.

IN TESTIMONY WHEREOF, the Assignors have hereunto set their hands on the date indicated below.

Anders Hebsgaard	end Oct 31.		
Anders Hebsgaard	date 2003	Mark Dale	date
	date	- 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	date
	date		date



DECLARATION OF JAMES A. HARRISON

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FACT #1

On November 3, 2003, I wrote a letter (copy of Certificate of Mailing is attached), on behalf of Assignee, to Mr. Mark Dale (the non-signing inventor) at the address provided by Assignee and enclosed a copy of the specification, figures, Declaration, and Assignment, with instructions to Mr. Dale to review the patent application and to execute the Declaration and Assignment and to return to me by December 1, 2003. I have enclosed a copy of this letter.

FACT #2

On March 10, 2004, after not having received a response from Mr. Dale to my first letter, I wrote a second letter that was sent via Certified Mail, Return Receipt Requested. I copy of this is also enclosed. Again I sent a second copy of the specification, the Declaration and the Assignment, and asked him to review the application once again and to let me know if there were any concerns so that I may attempt to resolve them. I requested a response from him by March 23, 2004.

FACT #3

The Return Receipt has not yet been received as of this date, thereby suggesting that Mr. Dale has refused to accept the package and sign the Return Receipt.

FACT #4

Mr. Dale has not responded to my attempts to reach him and to obtain his signatures as he is required to provide under his employment agreement with his former employer, the present assignee. Moreover, Mr. Dale has an established pattern of refusing to cooperate with the present assignee and its representatives in numerous other applications for patent. Accordingly, it is very

clear that Mr. Dale has no intention of cooperating and providing his signature as his employment contract requires. As of the date of this Petition, I have not received the Declaration or the Assignment, nor have I heard from or had any communication with Mr. Mark Dale regarding obtaining the necessary documents since I originally had tried to contact him.

James A. Harrison, Reg. No. 40,401

GARLICK HARRISON & MARKISON

P.O. Box 670007 Dallas, Texas 75367 (214) 902-8100/office (214) 902-8101/facsimile



GARLICK HARRISON & MARKISON, LLP

ATTORNEYS AT LAW

4550 MELISSA LANE DALLAS, TEXAS 75229

TELEPHONE (214) 902-8100 FACSIMILE (214) 902-8101 E-MAIL: jharrison@texaspatents.com

♦ INTELLECTUAL PROPERTY AND TECHNOLOGY LAW ♦

November 3, 2003

Mr. Mark Dale 26962 Willow Tree Lane Laguna Hills, CA 92653

RE: Utility Patent Application entitled, "DOCSIS MAC Layer-Based ARQ for Fixed Wireless"; Attorney Docket No. BP 1622; Declaration and Assignment

Dear Mr. Dale,

I have assumed responsibility for the prosecution of the aforementioned utility patent application from Robert Strawbrich, as he is no longer with our firm. As such, enclosed please find a copy of the specification and figures for the above-referenced patent application filed on October 30, 2003, in which you are listed as a co-inventor. After reviewing the application, please sign the Declaration and Assignment and fax back to me at the above number by December 1, 2003. Please send the originals via regular U.S. mail using the enclosed return self-addressed stamped envelope.

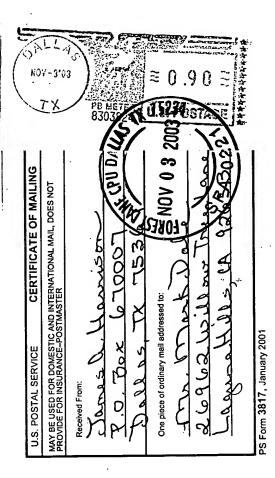
I appreciate your assistance in this matter. Please feel free to call me if you have any questions or comments.

Very truly yours,

James A. Harrison

Enclosures

JAH/slm



Mail America Forest Lane 3767 Forest Lane. Ste 124

Dallas, TX 75244 972-241-7880

Invoice#: 01115156 Clerk: ADRIAN

11/03/2003 15:25

Cash, Check, Charge

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Garlick Harrison & Markison, LLP P.O. Box 670007 Dallas, TX 75367



James A. Harrison Garlick Harrison & Markison, LLP P.O. Box 670007 Dallas, TX 75367

	Please Type a plus sign (+)	inside this box				
OIPE.		ON FOR UTILITY O)B	Attorney Doc	ket Number	BP 1622
APR O 6 2003		DESIGN		First Named In	ventor	Anders Hebsgaard
è		APPLICATION CFR 1.63)			COMPLET	E IF KNOWN
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	As a below named invento	or, I hereby declare that:				
4	My residence, post office ad	ldress, and citizenship are a	is stated b	elow next to my nan	ne.	
	I believe I am the original, fi are listed below) of the subje	irst, and sole inventor (if on ect matter which is claimed	ly one nan and for wh	ne is listed below) o ich a patent is soug	r an original, fir ht on the inventi	et, and joint inventor (if plural names on entitled:
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	I hereby state that I have rev any amendment specifically	riewed and understand the creferred to above.	contents of	the above identified	d specification, i	ncluding the claims, as amended by
·	I acknowledge the duty to dis	sclose information, which is	material to	patentability as de	fined in 37 CFR	1.56.
	or 3659a) of any PCT interior	national application which or idea is the control of the control o	designated box, any	at least one count foreign application	try other than the for patent or in-	s) for patent or inventor's certificate, ne United States of America, listed ventor's certificate, or of any PC5T
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Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto

			RATION - Uti							
I hereby da	aim the be	nefit under 35 U.S.C. 1	20 of any Un	ited States a	application	(s), or 365	(c) of any	PCT In	itemational application	
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Direct all cor	responden	ce to: Customer Nu	ımber	OR	X Corres	spondence a	address be	low		
	•	or Bar Code	Label			·				
Name	James A	. Harrison								
Address	Garlick, I	Harrison & Markison, LL	P	-						
Address	P.O. Box									
City	Dallas			State	TX			Zip	75367	
Country	US			Telephone	(214)	902-8100		Fax	(214) 902-8101	
I hereby dec	lare that all	statements made herein	of my own kn	owledge are t	true and th	at all staten	nents made	e on info	ormation and belief	
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Residence		City: Frederiksberg	State/Prov:		Country	: Denmark	Citize	nship:		
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Residence		City: Laguna Hills	State/Prov:	CA	Country	: US	Citize	nship:	US	
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Post Office	Address									
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BP 1622

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ASSIGNMENT

WHEREAS, the undersigned inventors, hereinafter called the "Assignors", have invented a new and useful invention entitled:

DOCSIS MAC LAYER-BASED ARQ FOR FIXED WIRELESS

for which reference a full description is here made in an application for Letters Patent of the United States filed herewith.

WHEREAS, Broadcom Corporation, a USA company having a principal office and place of business at, 16215 Alton Parkway Irvine California 92618-7013 hereinafter called the "Assignee", is desirous of acquiring the entire right, title and interest in and to said invention, the application above identified, and in, to and under Letters Patent which may be obtained for said invention, as hereinafter more fully set forth;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that for valuable legally sufficient consideration, the receipt of which by the Assignors from the Assignee is hereby acknowledged, the Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the Assignee, its successors and assigns, the entire right, title and interest in and to the invention and the application herein above identified, and all Letters Patents that may issue for the said invention, and all division, reissues, substitutions, continuations, and extensions thereof, to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns to the full end of the term for which any and all of said Letters Patents for the said invention may issue.

FURTHER, be it known that the Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the Assignee, its successors and assigns, the entire foreign rights to the invention disclosed in said application, in all countries of the world, including the right to file applications and obtain patents under the terms of the International Convention, and further agrees to execute any and all patent applications, assignments, affidavits, and any other papers in connection therewith necessary to perfect such patent rights.

And the Assignors do hereby covenant and agree, for themselves and their legal representatives, that they will assist the Assignee in the prosecution of the application herein identified; in the making and prosecution of any other applications for Letters Patent that the Assignee may elect to make covering the invention herein identified, as herein before set forth, including any application for reissue, application for reexamination, application for foreign patent rights, or any proceeding in the United States Patent and Trademark Office affecting the invention, investing in the Assignee exclusive title in and to all such other applications and Letters Patent; and in the prosecution of any interference which may arise involving said invention, or any application or Letters Patents herein contemplated; that they will promptly execute and deliver to the Assignee any and all additional

papers and make all lawful oaths which may be requested by the Assignee to fully carry out the terms of this assignment; and further that they will communicate to Assignee, or to its successors, assigns, and legal representatives, and facts known respecting said invention, and at the expense of the Assignee, testify in any legal proceedings, and generally do everything possible to aid the Assignee, its successors, assigns and nominees to obtain and enforce proper patent protection for said invention in all countries.

And the Commissioner of Patents and Trademarks is hereby authorized and requested to issue all Letters Patent to the Assignee in accordance with the terms of the assignment.

IN TESTIMONY WHEREOF, the Assignors have hereunto set their hands on the date indicated below.

Anders Hebsgaard	date	Mark Dale	date
		•	
·	date		date
•	·		
	date		date

GARLICK HARRISON & MARKISON, LLP



ATTORNEYS AT LAW

4550 MELISSA LANE DALLAS, TEXAS 75229

TELEPHONE (214) 902-8100 FACSIMILE (214) 902-8101 E-MAIL: jharrison@texaspatents.com

♦ INTELLECTUAL PROPERTY AND TECHNOLOGY LAW ♦

March 10, 2004

Mr. Mark Dale 26962 Willow Tree Lane Laguna Hills, CA 92653

VIA CERTIFIED MAIL-RRR #7000 1530 0004 6380 2786

RE: Utility Patent Application entitled, "DOCSIS MAC Layer-Based ARQ for Fixed Wireless". Docket No. BP1622

Dear Mr. Dale,

Enclosed please find a second copy of the above-referenced patent application for which you-were listed as a co-inventor. The first copy was sent to you on November 3, 2003. The application was filed with the U.S. Patent and Trademark Office on October 30, 2003 without your signatures on the "Declaration" and "Assignment". We are at the point now that we are being asked by the United States Patent and Trademark Office to provide your signatures or to file various papers explaining why we don't have a signature for you. Our preference is to obtain your signature to avoid the additional paperwork. Along these lines, if you have any concerns, please let me know so that I may attempt to resolve them. After reviewing the application, please sign and return the enclosed "Declaration" and "Assignment" documents in order that we may forward these to the U.S. Patent and Trademark Office. A return envelope is provided for your convenience. Please also fax a copy of the signature pages for both documents to the above fax number.

We respectfully request that you respond by March 23, 2004, either by signing and faxing the above documents to me, or by calling me.

Again, if you have any concerns regarding this application, please feel free to call me to discuss.

(/han stall a

Very truly yours.

andes A. Harrison

Enclosures

cc: Dee Henderson (w/o encls.)

JAH/slm

BP1622-Req for Sigs-Dale-031004

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Attorney Docket Number	BP 1622
First Named Inventor	Anders Hebsgaard
COMPLETE	I F KNOWN
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Filing Date	
Group Art Unit	
Examiner Name	

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1

BP 1622

		DECLA	RATION - Uti	lity or Desig	n Patent A	pplication			
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designating	the United	States of America, listed	below and, in	nsofar as the	subject m	atter of eac	th of the cl	aims of	this application is not
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Name		Harrison							
Address		larrison & Markison, LL	<u>.P</u>						
Address	P.O. Box	670007						 -	Y
City	Dallas			State	TX			Zip	75367
Country	US			Telephone		02-8100		Fax	(214) 902-8101
I hereby dec	lare that all	statements made herein	of my own kn	owledge are	rue and the	at ali staten	ents made	e on info	ormation and belief
are believed	to be true;	and further that these sta	tements were	made with th	e knowled	ge that willfi	ul false sta	tement	s and the like so
made are pu	nishable by	fine or imprisonment, or	both, under 18	8 U.S.C. 100	i and that	such willful	false state	ments r	nay Jeopardize the
		or any patent issued the	ereon.						
Name of So					A pe				nsigned inventor
	Giver	Name (first and middle	if any])			Fai	nily Name		
		ANDERS					HEBSG	AARI)
Inventor's S	ignature:	· ·			Date:				
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Residence		City: Frederiksberg	State/Prov:		Country	Denmark	Citize	nship:	
Post Office	Address	Guldborgvej 15, 5 th							
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Name of Se	cond Inven	tor:			A pe				nsigned inventor
	Giver	Name (first and middle [if any])			Far	nily Name	or Sum	ame
		MARK					DAI	_E	
Inventor's S	ignature:				Date:				
	3								
Residence		City: Laguna Hills	State/Prov:	CA	Country:	US	Citize	nship:	US
Post Office	Address	26962 Willow Tree Lar	ne						
Post Office									
City		Laguna Hills	State/Prov:	CA	Zip: 926	53	Country:	US	

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ASSIGNMENT

WHEREAS, the undersigned inventors, hereinafter called the "Assignors", have invented a new and useful invention entitled:

DOCSIS MAC LAYER-BASED ARQ FOR FIXED WIRELESS

for which reference a full description is here made in an application for Letters Patent of the United States filed herewith.

WHEREAS, Broadcom Corporation, a USA company having a principal office and place of business at, 16215 Alton Parkway Irvine California 92618-7013 hereinafter called the "Assignee", is desirous of acquiring the entire right, title and interest in and to said invention, the application above identified, and in, to and under Letters Patent which may be obtained for said invention, as hereinafter more fully set forth;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that for valuable legally sufficient consideration, the receipt of which by the Assignors from the Assignee is hereby acknowledged, the Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the Assignee, its successors and assigns, the entire right, title and interest in and to the invention and the application herein above identified, and all Letters Patents that may issue for the said invention, and all division, reissues, substitutions, continuations, and extensions thereof, to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns to the full end of the term for which any and all of said Letters Patents for the said invention may issue.

FURTHER, be it known that the Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto the Assignee, its successors and assigns, the entire foreign rights to the invention disclosed in said application, in all countries of the world, including the right to file applications and obtain patents under the terms of the International Convention, and further agrees to execute any and all patent applications, assignments, affidavits, and any other papers in connection therewith necessary to perfect such patent rights.

And the Assignors do hereby covenant and agree, for themselves and their legal representatives, that they will assist the Assignee in the prosecution of the application herein identified; in the making and prosecution of any other applications for Letters Patent that the Assignee may elect to make covering the invention herein identified, as herein before set forth, including any application for reissue, application for reexamination, application for foreign patent rights, or any proceeding in the United States Patent and Trademark Office affecting the invention, investing in the Assignee exclusive title in and to all such other applications and Letters Patent; and in the prosecution of any interference which may arise involving said invention, or any application or Letters Patents herein contemplated; that they will promptly execute and deliver to the Assignee any and all additional

papers and make all lawful oaths which may be requested by the Assignee to fully carry out the terms of this assignment; and further that they will communicate to Assignee, or to its successors, assigns, and legal representatives, and facts known respecting said invention, and at the expense of the Assignee, testify in any legal proceedings, and generally do everything possible to aid the Assignee, its successors, assigns and nominees to obtain and enforce proper patent protection for said invention in all countries.

And the Commissioner of Patents and Trademarks is hereby authorized and requested to issue all Letters Patent to the Assignee in accordance with the terms of the assignment.

IN TESTIMONY WHEREOF, the Assignors have hereunto set their hands on the date indicated below.

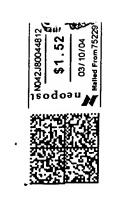
Anders Hebsgaard	date	Mark Dale	date
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James A. Harrison Garlick Harrison & Markison, LLP P.O. Box 670007 Dallas, TX 75367

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MR. MARK DALE 26962 Willow Tree Lane Laguna Hills, CA 92653

SENDER: COMPLETE THIS SECTION COMPLETE THIS SECTION ON DELIVERY ■ Complete Items 1, 2, and 3. Also complete A. Received by (Please Print Clearly) B. Date of Delivery item 4 If Restricted Delivery is desired. Print your name and address on the reverse C. Signature so that we can return the card to you. Attach this card to the back of the malipiece, ☐ Agent or on the front if space permits. ☐ Addresse D. Is delivery address different from item 1? ☐ Yes 1. Article Addressed to: If YES, enter delivery address below: Mr. Mark Dale 26962 Willow Tree Lane Laguna Hills, CA 92653 Service Type Certified Mall ☐ Express Mail Registered ☐ Return Receipt for Merchandise Insured Mail □ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes 7000 1530 0004 6380 2786 (Transfer from service label) PS Form 3811, March 2001 **Domestic Return Receipt** UNITED STATES POSTAL SERVICE First-Class Mail Postage & Fees Paid USPS Permit No. G-10 Sender: Please print your name, address, and ZIP+4 in this box • James A. Harrison

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